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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,870	10/11/2004	Victor Nohl	1546.001	5869

23598 7590 04/19/2007  
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MILWAUKEE, WI 53202

EXAMINER
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TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/711,870

Applicant(s)

NOHL, VICTOR

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 27-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/11/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is the First Office Action on the Merits from the examiner in charge of this application.

#### ***Election/Restrictions***

2. Applicant's election without traverse of invention I in the reply filed on 1/31/2007 is acknowledged.
3. Claims 27-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/31/2007.

#### ***Specification***

4. The abstract of the disclosure is objected to because it includes the term "are disclosed". Correction is required. See MPEP § 608.01(b).
5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9, 15-17, and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,695,263 to Simon et al.

Simon et al discloses a cabinet/enclosure system comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a frame assembly comprising a plurality of rails 2,4,6, connectors 20 having a plurality of flange, side panels 15 attached to the frame assembly, a door 10, each rail having a plurality of rail flanges extending therefrom and generally aligned with the connector flange when connected thereto, a groove formed in the rail flange traversed by a side panel connected thereto, a wire chase runs along a length of each of the inside corner rails.

In regard to the limitations in claim 17, the limitation recited therein is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examine the final product described regardless of the method provided by the applicant.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon et al in view of USP 6,419,331 to Wei.

Simon discloses all the elements as discussed above except for the limitations in claims 10-14 of the door assembly, and a window fixedly connected to at least one of the plurality of side panels.

Wei discloses an alternate cabinet system comprising a frame assembly having a plurality of edge rails, corner connectors, a door assembly comprising a plurality of jam section engageable with at least one of a corresponding edge rail, an edge of a side panel, an edge of a cavity panel, the door assembly having a plurality of door edge channels and panels connected thereto; wherein the door assembly with edge channels and panel connected thereto provides an aesthetic looking door assembly. Therefore, it would have been obvious to modify the structure of Simon by providing the door 10 with a door assembly comprising the limitations in claims 10-13 in order to provide an aesthetic looking door assembly, as taught by Wei, since both teach alternate conventional cabinet system structure, used for the same intended purpose of housing

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articles therein, thereby providing structure as claimed. In regard to a window fixedly connected to at least one of the plurality of side panels, it would have been obvious and well within the level of one skill in the art to provide a window fixedly connected to at least one of the plurality of side panels in order to provide a viewing portion of articles housed within the cabinet system.

11. Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,011,323 to Liuo in view of USP 5,695,263 to Simon et al.

Liyo discloses a cabinet/enclosure system comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a frame assembly comprising a plurality of curved rails 2, curved connectors 1 having a plurality of flange, each rail having a plurality of rail flanges extending therefrom and generally aligned with the connector flange when connected thereto, a groove formed in the rail flange traversed by a side panel connected thereto, a wire chase runs along a length of each of the inside corner rails. The different being that Liyo does not clearly disclose a plurality of side panels constructed to received by the edge component on a side generally opposite the corner component and oriented to enclose a volume.

Simon et al teaches that it is well known in the art to provide a cabinet/enclosure system with, such as shown in Figs 1-2, a frame assembly comprising a plurality of rails 2,4,6, connectors 20 having a plurality of flange, side panels 15 attached to the frame assembly, a door 10, each rail having a plurality of rail flanges extending therefrom and generally aligned with the connector flange when connected thereto, a groove formed in the rail flange traversed by a side panel connected thereto, a wire chase runs along a

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length of each of the inside corner rails; wherein the side panels constructed to received by the edge component on a side generally opposite the corner component and oriented to enclose a volume. Therefore, it would have been obvious to modify the structure of Liuo to provide a plurality of side panels constructed to received by the edge component on a side generally opposite the corner component and oriented to enclose a volume, as taught by Simon, since both teach alternate conventional cabinet system structure, used for the same intended purpose of housing articles therein, thereby providing structure as claimed.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee, Cavallini, Latchinian, Gamlen, Ebert et al, Yoshida, Donarte all show structures similar to various elements of applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT

April 16, 2007



**Hanh V. Tran**

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